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15 **UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION**

18 MAXIMILLIAN KLEIN, *et al.*,

19 Plaintiffs,

20 Case No. 20-cv-08570-JD

21 v.

22 META PLATFORMS, INC.,

23 Defendant.

24 **CONSUMER PLAINTIFFS' SYNOPSIS
25 IN ADVANCE OF FEBRUARY 28, 2023
26 MARKET TUTORIAL**

27 This Document Relates To: All Consumer
28 Actions

1 Consumer Plaintiffs, Maximilian Klein, Sarah Grabert, and Rachel Banks Kupcho, submit
 2 this synopsis of claims and proposed agenda in advance of the market tutorial scheduled for February
 3 28, 2023.

4 **A. The Consumer Plaintiffs' Expert – Prof. Nicholas Economides.**

5 Prof. Nicholas Economides will present on behalf of the Consumer Class at the upcoming
 6 market tutorial. Prof. Economides is a Professor of Economics at the Leonard N. Stern School of
 7 Business at New York University. He is an internationally recognized academic authority on network
 8 economics, electronic commerce, and public policy. His fields of specialization and research include
 9 the economics of networks, especially of telecommunications, computers, and information, the
 10 economics of technical compatibility and standardization, and the strategic analysis of markets and
 11 law and economics. Prof. Economides has published more than 100 articles related to networks,
 12 telecommunications, antitrust economics, and other issues in top academic journals, and serves or
 13 has served as editor or co-editor of various journals such as *Information Economics and Policy*,
 14 *Journal of Competition Law and Economics*, *The Journal of Economics & Management Strategy*,
 15 *Netnomics*, and *Journal of Network Industries*, among others. In addition, Prof. Economides serves
 16 as the Founder and Executive Director of the Networks, Electronic Commerce and
 17 Telecommunications Institute, and maintains a website on the Economics of Networks which *The*
 18 *Economist* has ranked as one of the “top four economics sites.”

19 **B. The Consumer Class.**

20 Prof. Economides will be describing the relevant market for the Consumer Class's claims.
 21 The class members in the consumer action are the *users* of Facebook—individuals that access
 22 Facebook through their computer or mobile device. The class is defined as: All persons in the United
 23 States who maintained a Facebook profile at any point from 2007 to December 2020 (the date of the
 24 filing of this action). *Klein* Compl. ¶ 248.¹

25
 26 ¹ “*Klein* Compl.” refers to the Consolidated Consumer Class Action Complaint, ECF No. 87.
 27 Excluded from the Consumer Class are Facebook, any entity in which Facebook has an interest, and
 28 any of Facebook's corporate parents, affiliates, subsidiaries, officers, directors, legal representatives,
 successors, and assigns. Also excluded from the Class is any judge, justice, or judicial officer
 presiding over this matter and the members of their immediate families and judicial staff. *Id.*

1 **C. The Personal Social Network Market.**

2 The Consumer Class alleges that Facebook acquired and maintained monopoly power in the
 3 Personal Social Network Market by making deceptive representations and omissions to users about
 4 Facebook's data collection and use practices. ECF No. 214 at 5. The Personal Social Network
 5 Market is the relevant product market that is applicable to the Consumer Class's claims. The relevant
 6 geographic market is the United States.

7 A personal social network consists of a website and/or application that enables users to
 8 interact with each other—principally the users' own friends and families—based on a social graph
 9 and by posting information, comments, messages, images, video, etc., within a shared social space.
 10 Examples of personal social networks include Facebook and—while they existed—Friendster,
 11 Myspace, and Google+. In contrast, LinkedIn is not a personal social network.

12 **D. Agenda for Consumer Plaintiffs' Presentation**

13 To assist the Court in understanding the Personal Social Network Market, at the relevant market
 14 tutorial Prof. Economides will discuss, from the perspective of the Consumer Class, the reasonable
 15 interchangeability between Facebook and other personal social networks, and the lack thereof between
 16 personal social networks and other online services. Specifically, Prof. Economides will cover the
 17 following topics:

18 **Overview of the Personal Social Network Market:** Prof. Economides will provide an
 19 overview of the Personal Social Network Market, including explanations of what a personal social
 20 network is and the key characteristics that define personal social networks and that distinguish them
 21 from other services from the perspective of a user (*i.e.*, a member of the Consumer Class).

22 **Brief History of Participants in the Personal Social Network Market:** Prof. Economides
 23 will present a brief history of personal social networks that have existed.

24 **Background Regarding Facebook:** Prof. Economides will describe how Facebook works and
 25 will explain why Facebook is a personal social network.

26 **Barriers to Entry and Geographic Market:** Prof. Economides will discuss barriers to entry
 27 into the Personal Social Network Market and the geographic limitations on this market.

Overview of Other Services Which Are *Not* Personal Social Networks: Prof. Economides

will describe other online services and will explain why they are *not* personal social networks, and thus not reasonable substitutes for Facebook from the perspective of a user (*i.e.*, a member of the Consumer Class).

DATED: February 17, 2023

Respectfully submitted,

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